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GENERAL AND COMPLETE DISARMAMENT: MEASURES TO CURB THE ILLICIT TRANSFER AND USE OF CONVENTIONAL ARMS

Report of the Secretary-General

I. INTRODUCTION

1. In its resolution 51/45 F of 10 December 1996, entitled "Measures to curb the illicit transfer and use of conventional arms", the General Assembly requested the Secretary-General to submit a report to it at its fifty-second session on the effective implementation of the resolution.

2. In paragraph 2 of resolution 51/45 F, the General Assembly invited Member States to provide the Secretary-General, by 15 April 1997, with relevant information on national control measures on arms transfers with a view to preventing illicit arms transfers. In paragraph 3 of the same resolution, the Assembly also invited Member States to provide the Secretary-General with their views on (a) effective ways and means of collecting weapons transferred illicitly, in particular in the light of experience gained by the United Nations; and (b) concrete proposals concerning measures at national, regional and international levels to curb the illicit transfer and use of conventional arms. In paragraph 4 (a), the Assembly requested the Secretary-General to submit a report containing the views expressed by Member States, and in paragraph 4 (b), it requested him to report on the effective implementation of the resolution.

3. The Secretary-General draws attention to the guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991. These guidelines were developed by the United Nations Disarmament Commission and are included in the note by the Secretary-General

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* A/52/150.

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entitled "A compilation of all texts of principles, guidelines or recommendations on subject items adopted unanimously by the Disarmament Commission" (A/51/182). The Secretary-General reiterates the need for the implementation of the guidelines through practical measures. The nature and scope of the illicit arms trade is discussed in detail in an earlier report of the Secretary-General on ways and means of promoting transparency in international transfer of conventional arms (A/46/301). The report of the Secretary-General on assistance to States for curbing the illicit traffic in small arms and collecting them (A/52/264) refers to the actual experiences of West African States in this field of growing international concern.

4. The reply received in response to paragraph 4 (a) of resolution 51/45 F is reproduced in section II below. Should the Secretary-General receive further replies from Member States, they will be issued as addenda to the present report.

II. INFORMATION RECEIVED FROM GOVERNMENTS

EUROPEAN UNION

[Original: English]

[4 June 1997]

1. With reference to paragraphs 2 and 3 of resolution 51/45 F on measures to curb the illicit transfer and use of conventional arms, the European Union (EU) would like to provide the following common reply to the Secretary-General.

2. In May 1996, the United Nations Disarmament Commission adopted guidelines for international arms transfers and the General Assembly endorsed the guidelines in its resolution 51/47 B. EU participated actively in the process of formulating the guidelines. EU views the adoption by consensus of this set of norms for international arms transfers as an encouraging development. It is a recognition of the fact that the United Nations, in keeping with its overall purposes and principles, has a legitimate role to play in the field of arms transfers and that responsible behaviour in arms transfers by all States is important for the maintenance of international peace and security.

3. As stated in the guidelines, the problem of the illicit trafficking in arms has a social and humanitarian component in addition to its technical, economic and political dimensions. Illicit arms trafficking often has far-reaching negative effects, in particular for the internal security and socio-economic development of affected States and neighbouring countries.

4. EU is of the view that illicit trafficking in arms, especially in small arms, has contributed to increasing stability and even the breakdown of social order, as recent conflicts on the African continent have illustrated. Illicit arms trafficking can also have negative effects on rehabilitation and reconstruction in affected countries.

5. States receiving arms have a responsibility to seek to ensure that the quantity and level of sophistication of their arms imports are commensurate with their legitimate self-defence and security requirements and that they do not contribute to instability and conflict in their countries or regions.

6. EU considers that further clarifications could be helpful in order to focus better on the distinction between the legal and illicit transfer of armaments. In the case of legal transfers under the responsibility and control of States, there exist a number of measures that help ensure that such transfers do not lead to excessive and destabilizing accumulations of conventional weapons. Comprehensive national controls on arms exports and effective enforcement of these controls are essential, as well as increased transparency in international arms transfers, in particular through the submission of returns to the United Nations Register of Conventional Arms. EU encourages all United Nations Member States to submit their national data to the Register in full and on time.

7. In the case of illicit transfers, which often rely on criminal organizations, countries should focus on improved national legislative measures and their effective implementation, and on improving international cooperation and coordination to prevent illegal transfers, including customs and police cooperation.

8. In its resolution 50/70 J of 12 December 1995 on measures to curb the illicit transfer and use of conventional weapons, the General Assembly invited Member States to take appropriate and effective measures to seek to ensure that illicit transfers of arms were immediately discontinued. In response, the EU member States affirmed that they adhered strictly to all arms embargoes by the Security Council and EU, and took all possible measures to prevent illegal exports of arms and military material.

9. In its resolution 50/70 B, the General Assembly invited the Secretary-General to establish a panel of governmental experts on small arms. The panel was established to assist the Secretary-General in preparing a report on the types of small arms and light weapons actually being used in conflicts being dealt with by the United Nations, the nature and causes of the excessive and destabilizing accumulation and transfer of small arms and light weapons, including their illicit transfer and trade, the ways and means to prevent and reduce the excessive and destabilizing accumulation and transfer of small arms and light weapons, with particular attention to the United Nations in this field and to the complementary role of regional organizations, for submission to the Assembly at its fifty-second session.

10. Three experts from the EU member States are members of the panel. EU is looking forward to the report and the recommendations therein.

11. In its common reply to resolution 50/70 B, EU noted that small arms accounted for the greatest percentage of deaths and injuries in many armed conflicts. They may have serious destabilizing effects on the regions concerned. The question of small arms acquisition depends, to a large extent, on responsible national legislative measures ensuring proper control on civilian and military use. Legislation must be in place to ensure that enforcement measures to prevent excessive and destabilizing accumulation and transfer of

small arms and light weapons - including their illicit production and trade - are effective and efficient, including measures to control goods in transit and those moving through free zones.

12. In addition, on 15 December 1995, the General Assembly adopted resolution 49/75 M, on measures to curb the illicit transfer and use of conventional arms. On 10 December 1996, the Assembly adopted resolution 51/45 N, on consolidation of peace through practical disarmament measures, which was supported by EU. Finally, the Organization for Security and Cooperation in Europe (OSCE) Lisbon Summit declaration of 3 December 1996 states that ending illegal arms supplies, in particular to zones of conflict, would make a major contribution not only to regional, but also to global security.

13. The eight common criteria of EU to be applied for arms exports adopted by the European Council (Luxembourg, 28 and 29 June 1991, and Lisbon, 26 and 27 June 1992) act as a guideline for the implementation of national controls on the arms trade. As regards illicit trafficking of arms, EU member States are actively considering possibilities to enhance capabilities to prevent and combat illicit arms trafficking.

14. EU attaches great importance to combating the illicit transfer and use of conventional weapons at national, regional and international levels. EU stresses the need for effective control measures on the transfer of conventional weapons and encouraging States to enact adequate national legislation and/or regulations and administrative procedures in order to exercise effective control over arms, inter alia, with the aim of preventing illicit trafficking in arms.